

EXHIBIT “4”

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Entered on Docket
January 19, 2007

ORDER DENIED

Based upon the objection of the Fund and Debtors, the motion for order shortening time is denied. When the matter is heard, moving counsel shall be prepared to explain why they failed to omit pertinent facts in their request.

Hon. Linda B Riegler
United States Bankruptcy Judge

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Attorneys for Fertitta Enterprises, Inc.,
and designated Nevada counsel for Estate of Tabas

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
Debtor.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**ORDER SHORTENING TIME
ESTATE OF DANIEL TABAS'
AND FERTITTA ENTERPRISES,
INC.'S MOTION FOR RELIEF**

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1 USA CAPITAL FIRST TRUST DEED FUND, LLC,
2 Debtor.

3 USA SECURITIES, LLC,
4 Debtor.

5 Affects:

- 6 ☐ All Debtors
7 ☒ USA Commercial Mortgage Company
8 ☐ USA Capital Realty Advisors, LLC
9 ☐ USA Capital Diversified Trust Deed Fund, LLC
10 ☐ USA Capital First Trust Deed Fund, LLC
11 ☐ USA Securities, LLC

**FROM THE AUTOMATIC STAY
TO TERMINATE THE LOAN
SERVICING AGREEMENT FOR
THE DIRECT LOAN TO COLT
GATEWAY LLC
(Affects USA CM ONLY)**

Hearing Date:
Hearing Time:

12 The Estate of Daniel Tabas and Fertitta Enterprises, Inc. ("Movants"), through their
13 respective counsel, Jonathan J. Bart, Esq., and Janet L. Chubb, Esq., of Jones Vargas filed a
14 Motion for Relief from the Automatic Stay to Terminate the Loan Servicing Agreement for the
15 Direct Loan to Colt Gateway LLC ("Motion") and requested an order shortening time for the
16 hearing thereon. The motion for relief from the automatic stay is based on the grounds that USA
17 Commercial has failed to satisfy the terms of its loan servicing agreement or its obligations under
18 the Nevada Administrative Code.

19 The Court having considered the motion filed herein, and, good cause appearing,

20 IT IS HEREBY ORDERED that the motion for order shortening time is granted and the
21 Motion for Relief from the Automatic Stay to Terminate the Loan Servicing Agreement for the
22 Direct Loan to Colt Gateway LLC shall be heard before a United States Bankruptcy Judge, in
23 Bankruptcy Courtroom #1, 300 Las Vegas Blvd. South, 3rd Floor, Las Vegas, NV 89101 on the
24 _____ day of _____, 2007, at _____.

25 IT IS FURTHER ORDERED that service of copy of this Order Shortening Time shall be
26 made forthwith by counsel for the Movants on all interested parties.

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